

The Chair appointed as such committee Senators Pickett, Mills and Ruby.

On motion of Senator Dillard, the rules were suspended to take from file House bill No. 769, to be entitled "An act to establish a ferry across the Neches river at the Bodenhamer crossing, county of Houston." Read second time and passed to a third reading.

On motion of Senator Dillard, the rules were further suspended, and House bill No. 769 read third time and passed.

On motion of Senator Douglas, the rules were suspended to take from file Senate bill No. 516, to be entitled "An act to incorporate Charmwood Institute." Read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Douglas, the rules were further suspended, and Senate bill No. 516 read the third time and passed.

Senator Rawson asked leave to withdraw Senate bill No. 450, to be entitled "An act to incorporate the Marshal Salamander Fire Company No. 1, of the city of Marshall, of Harrison county, Texas," from the hands of the Committee on Internal Improvements.

There being no objection, leave was granted.

Senator Evans moved that the Senate stand adjourned to 10:30 A. M. to-morrow. Motion lost.

On motion of Senator Bowers the Senate at 4:20 P. M. adjourned to 10 A. M. to-morrow.

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## FIFTY-FIRST DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, Wednesday, Nov. 15, 1871. }

Senate met pursuant to adjournment. President Flanagan, presiding. Roll called. Quorum present.

Absent—Senators Bowers, Broughton, Mills, Parsons and Pettit.

Absent, excused—Senator Fountain.

Prayer by the Rev. Mr. Dodge.

Journal of yesterday read and adopted.

## REPORTS OF STANDING COMMITTEES.

Reports of Committee on Internal Improvements:

COMMITTEE ROOM, }  
Austin, Nov. 13, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 535, to be entitled "An act to amend section eight of 'an act to amend sections 1, 2, 3, 5, 6, 11, 12, 13, 15, 19 and 20 of an act to incorporate the Waco Tap Railroad Company,'" beg leave to return the same, and respectfully recommend its passage.

W. H. PARSONS, Chairman.

COMMITTEE ROOM, }  
Austin, Nov. 13, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 554, to be entitled "An act amendatory and supplementary to an act entitled 'an act to encourage the speedy construction of a railway through the State of Texas to the Pacific Ocean,' passed on the —— day of May, 1871," beg leave to return the same, and respectfully recommend its passage, conditioned upon the adoption of the accompanying amendments.

W. H. PARSONS, Chairman.

Amendments of Committee on Internal Improvements to Senate bill No. 554 :

Amend section one by inserting after the word "thence," in line sixty, the words "through the town of Clarksville, in Red River county, and the town of Paris, in Lamar county."

Amend section six by adding thereto the words: "*Provided*, that the said companies, after reaching the said point of junction, shall construct the single track westward toward El Paso at the rate of one hundred miles per annum until the whole amount of the subsidy shall be exhausted, failing to do which, the said companies shall forfeit all right to any subsidy beyond the said point of junction."

Reports read and laid over under the rules.

Reports of Committee on State Affairs :

COMMITTEE ROOM, }  
Austin, Nov. 15, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 450, to be entitled "An act to incorporate the Sal

mader Fire Company No. 1, of the city of Marshall," have had the same under consideration and recommend its passage without amendment.

Respectfully,

S. W. FORD, Chairman.

COMMITTEE ROOM, }  
Austin, Nov. 15, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 866, to be entitled "An act to encourage the manufacture of cotton and wool in this State," after careful consideration, instruct me to report the same back and recommend it to the consideration of the Senate.

Respectfully,

S. W. FORD, Chairman.

COMMITTEE ROOM, }  
Austin, Nov. 15, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 625, to be entitled "An act giving the Governor access to and authority to examine books, papers and records in the offices of the various departments, and also authorizing him to withdraw such from file in certain contingencies," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD, Chairman.

Reports read and laid over under the rules.

## REPORTS OF SELECT COMMITTEES.

COMMITTEE ROOM, }  
Austin, Nov. 15, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your select committee, to whom was referred Senate bill No. 545, to be entitled "An act creating the Colorado Real Estate and Banking Company," have carefully examined and beg to report the same back and recommend its passage.

Respectfully,

MATTHEW GAINES, Chairman.

Report read.

On motion of Senator Gaines, the rules were suspended to consider the report and bill.

Read third time.

Senator Pickett moved to amend by striking out section five.

Yeas and nays called for, and the motion to strike out section five lost by the following vote :

Yeas—Broughton, Cole, Dillard, Dohoney, Evans, Hertzberg, Pickett, Pyle, Swift, Tendick--10.

Nays—Mr. President, Baker, Bell, Bowers, Douglas, Ford, Gaines, Hall, Hillebrand, Latimer, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Shannon--18.

Senator Mills moved the passage of the bill.

Yeas and nays called for, and Senate bill No. 545 passed by the following vote :

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Douglas, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Swift, Tendick--23.

Nays—Dillard, Dohoney, Evans, Hillebrand, Pickett--5.

Message from the House by the Chief Clerk, Mr. Gallant, transmitting for concurrence the following House bills :

House bill No. 851, "An act to amend an act entitled 'an act to establish a ferry across Brazos river at or near the mouth of the Little Brazos river in the counties of Burleson and Brazos,' passed May 16, 1871;" House bill No. 785, "An act to incorporate the North Texas Agricultural, Mechanical and Blood Stock Association;" House bill No. 823 "An act to amend section nineteen of 'an act to regulate ferries,' approved January 23, 1850;" House bill No. 844, "An act to incorporate the Travis County Agricultural, Mechanical and Blood Stock Association;" House bill No. 860, "An act incorporating a toll bridge on the Tahuacana, at the crossing of the public road from Waco to Corsicana;" House bill No. 923, "An act to authorize A. Dowdy and his associates to construct own and keep a ferry on Trinity river in Dallas county."

Reports of committee on education.

COMMITTEE ROOM,  
Austin, Nov. 15, 1871.)

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Education, to whom was referred House bill No. 833 have had the same under careful consideration and a majority thereof, instruct me to report it back to the Senate, with the recommendation that it do pass.

E. PETTIT, Chairman.

COMMITTEE ROOM,  
Austin, Nov. 15, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Education, to whom was recommitted House bill No. 730, have had the same under careful consideration, and unanimously instruct me to report it back to the Senate, with the following amendments, and recommend its passage.

Respectfully,

E. PETTIT, Chairman.

Amend caption so as to read as follows, viz.: "An act to amend the act entitled 'an act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871."

Amend section one by striking out the words "existing laws," in second line, and insert in lieu thereof the words "the fifth section of the act entitled 'An act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871."

On motion of Senator Pickett, the rules were suspended to consider the report and bill.

Bill read second time.

On motion of Senator Pettit, the amendments reported by the Committee on Education were adopted.

Senator Bell moved to reconsider the vote just taken.

Yeas and nays called for and the motion to reconsider carried by the following vote:

Yeas—Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Hertzberg, Hillebrand, Latimer, Pickett, Pridgen, Pyle, Shannon, Swift, Tendick—18.

Nays—Mr. President, Baker, Ford, Gaines, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—10.

Senator Pickett moved to reject the first amendment reported by the Committee on Education. Carried.

Senator Dohoney moved to reject the second amendment.

Yeas and nays called for and the motion to reject carried by the following vote:

Yeas—Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Hertzberg, Hillebrand, Latimer, Pickett, Pridgen, Pyle, Shannon, Swift—17.

Nays—Mr. President, Baker, Ford, Gaines, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—11.

Senator Gaines moved to recommit the bill to the committee on education.

Yeas and nays called for and the motion to recommit lost by the following vote:

Yeas—Mr. President, Baker, Ford, Gaines, Hillebrand, Mills, Parsons, Pettit, Ruby, Saylor, Tendick—11.

Nays—Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Hertzberg, Latimer, Pickett; Pridgen, Pyle, Rawson, Shannon, Swift—17.

Senator Pickett moved that the bill pass to a third reading.

Yeas and nays called for and House bill No. 730 passed to a third reading by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Swift, Tendick—28.

Nays—None.

On motion of Senator Mills the rules were further suspended and House bill No. 730 read third time and passed.

On motion of Senator Saylor the rules were suspended to take from file House bill No. 851, "An act to amend an act entitled 'an act to establish a ferry across the Brazos river, at or near the mouth of the Little Brazos river, in the counties of Burleson and Brazos,' passed May 16, 1871."

On motion of Senator Saylor the bill was referred to a select committee of three.

The President appointed as such committee Senators Saylor, Tendick and Swift.

## BILLS AND RESOLUTIONS.

By Senator Broughton: a bill (Senate bill No. 562) to be entitled "An act to incorporate the North Texas Land Company." Read first time and referred to the Committee on Public Lands.

By Senator Parsons: a bill (Senate bill No. 563) to be entitled "An act providing for the removal of suits to the Supreme Court where the State is party, or where the enforcement of any law has been enjoined or stayed." Read first time and referred to the Committee on Judiciary.

By Senator Bowers: a bill (Senate bill No. 564) to be entitled "An act to incorporate the Mutual Live Stock Insurance Company of Western Texas." Read first time; rules suspended, read second time, ordered engrossed and passed to a third reading.

On motion of Senator Mills, the name of "Geo. W. Sampson" was added as an incorporator.

On motion of Senator Mills, the rules were further suspended and the bill read third time, as amended, and passed.

On motion of Senator Ruby, the rules were suspended to take from file Senate bill No. 531, to be entitled "An act for the protection of dumb animals."

Bill read second time, and on motion of Senator Gaines, the following amendments, reported by the Committee on Judiciary, were adopted: Amend the caption to read as follows: "An act to be entitled an act supplementary to and amendatory of sections seven hundred and thirteen and seven hundred and fourteen of chapter four, title twenty, of the Penal Code." Amend by striking out all after the word "dollars" in line seventeen, section one.

Senator Pettit moved to amend by striking out the word "dog." Lost.

Bill ordered engrossed and passed to a third reading as amended.

On motion of Senator Ruby, the rules were further suspended, and Senate bill No. 531 read third time.

On motion of Senator Pickett, the bill was recommitted to the Judiciary Committee.

On motion of Senator Bell, the vote of yesterday by which the Senate refused to pass House bill No. 767, "An act for the relief of Col. Thomas Wm. Ward, was reconsidered.

Senator Gaines moved to amend the bill by striking out \$1200 and inserting \$700 in lieu thereof. Carried.

Senator Gaines moved the passage of the bill as amended.

Yeas and nays taken and House bill No. 767 passed by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Cole, Dillard, Douglas, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Pridgen, Ruby, Saylor, Shannon, Swift, Tendick—20.

Nays—Evans, Ford, Hillebrand, Rawson—4.

Senator Dohoney was excused from voting, having paired off with Senator Broughton, the latter voting in the affirmative and Senator Dohoney in the negative.

On motion of Senator Bell the Senate at 12:30 P. M. adjourned until 3 P. M. to-day.

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## AFTERNOON SESSION.

3 o'Clock P. M.

Senate met pursuant to adjournment. President Flanagan presiding. Roll called. No quorum present.

Absent—Senators Broughton, Ford, Latimer, Mills, Parsons, Pridgen, Ruby and Saylor.

Absent, excused—Senator Fountain.

Senators Ford and Latimer appeared and answered to their names.

Quorum present.

On motion of Senator Ford the rules were suspended to take from file Senate bill No. 535, "An act to amend section eight of an act to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty of 'an act to incorporate the Waco Tap Railroad Company.'" Bill read second time.

Senator Ford moved the engrossment of the bill.

Yeas and nays called for and the motion carried by the following vote :

Yeas—Mr. President, Baker, Bell, Bowers, Cole, Ford, Gaines, Hall, Hertzberg, Hillebrand, Pettit, Pyle, Rawson, Swift, Tendick—15.

Nays—Dillard, Dohoney, Douglas, Evans, Latimer, Pickett, Shannon—7.

Senator Gaines asked leave to withdraw from the Senate, House bill No. 381, "An act to authorize the county courts of the several counties in this State to levy a road tax, and to lease the roads on certain conditions." There being no objection leave was granted.

On motion of Senator Gaines, the rules were suspended to take from file Senate bill No. 520, "An act for the relief of the heirs of Joseph Kerr and Nathaniel M. Kerr." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Gaines, the rules were further suspended and Senate bill No. 520 read third time and passed.

On motion of Senator Hall, the rules were suspended to take from file House bill No. 844, "An act to incorporate the Travis county Agricultural, Mechanical and Blood Stock Association." Read first time, rules suspended, read second time and passed to a third reading.

On motion of Senator Hall, the rules were further suspended, and House bill No. 844 read third time and passed.

On motion of Senator Hillebrand, the rules were suspended to take from file House bill No. 129, "An act to provide for the election and appointment of a county treasurer, and to prescribe his qualifications and duties." Read second time, and on motion of Senator Tendick, the following amendment, reported by the Committee on Judiciary, was adopted: Amend section eight, line two, by striking out the words "on and."

Senator Bell moved to recommit the bill to the Committee on Judiciary. Lost.

Bill passed to a third reading as amended.

On motion of Senator Pickett, the bill was made the special order for Friday next at 11 A. M.



On motion of Senator Latimer the rules were suspended to take from file Senate bill No. 513. Read second time, ordered engrossed and passed to a third reading.

Senator Hall moved to adjourn until 10:30 A. M. to-morrow. Lost.

Pending the reading of the bill, Senator Douglas moved to adjourn until 10:30 o'clock A. M. to-morrow.

Yeas and nays called for, and the Senate refused to adjourn by the following vote :

Yeas—Bowers, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pickett, Pyle, Shannon—11.

Nays—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Swift, Tendick—16.

Senator Pridgen gave notice that he would move a reconsideration of the vote of yesterday by which the Senate refused to pass to a third reading substitute House bill No. 747, "An act authorizing a loan to meet deficiencies in the revenue of the State."

Senator Baker gave notice that he would move a reconsideration of the vote of yesterday by which the Senate refused to pass to a third reading House bill No. 639, "An act supplementary to the different acts providing for the authentication and registry of deeds and instruments of writing, and providing for making certified copies of deeds and other instruments of writing evidence in the various courts of this State."

Consideration of Senate bill No. 513 resumed.

Bill read third time and on motion of Senator Ruby, passed.

Senator Douglas moved to adjourn until 10:30 o'clock A. M. to-morrow.

Yeas and nays called for and the Senate refused to adjourn by the following vote :

Yeas—Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pettit, Pyle, Shannon, Swift—11.

Nays—Mr. President, Baker, Bell, Bowers, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

On motion of Senator Mills the rules were suspended to take from file Senate bill No. 461, to be entitled "An act making appropriations for deficiencies for the support of the State government for the fiscal year beginning September 1, 1871, and ending August 31, 1872." Read second time.

Senator Douglas moved a call of the Senate. Call sustained.

Absent, not excused—Senator Broughton.

Senator Broughton appeared and answered to his name. Call suspended.

Senator Mills moved to make Senate bill No. 461 the special order for to-morrow at 11 A. M., and at that hour from day to day until disposed of.

Senator Broughton moved to adjourn until to-morrow at 10:30 A. M.

Yeas and nays called for, and motion carried by the following vote :

Yeas—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pettit, Pickett, Pyle, Shannon, Swift—14.

Nays—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pridgen, Rawson, Ruby, Saylor, Tensick—14.

So the Senate at 4 P. M. adjourned to 10:30 A. M. to-morrow.

## FIFTY-SECOND DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Thursday, Nov. 16, 1871. }

Senate met pursuant to adjournment. President Flanagan, presiding. Roll called. Quorum present.

Absent—Senators Evans, Pickett and Pridgen.

Absent, excused—Senator Fountain.

Prayer by the Chaplain.

Senator Ruby arose to a question of privilege, and requested permission of the Senate for himself and Senator Mills to reconsider the account of Mr. Waldron, witness in the case of J. C. De Gress, Superintendent of Public Instruction, stating that the same had been allowed for a greater amount than was due.

There being no objection leave was granted as requested.

[Senator Saylor in the chair.]

Journal of yesterday read and adopted.

[President Flanagan resumed the chair.]

On motion of Senator Dohoney Senator Latimer was granted an indefinite leave of absence from the 23d instant.

## REPORTS OF STANDING COMMITTEES.

Reports of Committee on State Affairs :

COMMITTEE ROOM,  
Austin, Nov. 15, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred